



# Practitioner

## – Thorough Examination

### Frequently Asked Questions

#### **What is a Competent Person, and how do I demonstrate that I am competent?**

A Competent Person is someone who, based on their education, training and professional experience, has sufficient practical and theoretical knowledge of the lifting equipment being examined to enable them to detect defects and assess the continued safe use of the equipment.

Accreditation by CFTS is the industry's recommended method for demonstrating competence.

#### **Is reporting to the enforcing authority a legal requirement?**

Yes, where, in the opinion of the Competent Person, there is a defect in the lifting equipment involving an existing or imminent risk of serious personal injury, a copy of the Report of Thorough Examination must be sent to the relevant Enforcement Authority (rEA) as soon as is practicable. This is usually called an Adverse Inspection Report (AIR).

Where more minor defects are found they should be recorded on the Report of Thorough Examination, but this does not have to be sent to the rEA.

#### **What types of defects are reportable?**

Examples of reportable defects include chain or fork wear beyond replacement limits; illegible capacity plate; cracked lifting chain link, pin or anchor; cracked, twisted or misaligned lifting structure, for example mast or forks.

#### **Whose duty is it to forward a Report of Thorough Examination to an rEA?**

Regulation 10(1)(c) of LOLER makes it clear, it is the responsibility of the Competent Person.

#### **What follow-up action would an enforcing authority take following receipt of a Report of Thorough Examination?**

It varies, follow-up may include a request that the equipment operator provide evidence that remedial work has been completed.

However, the Competent Person is not responsible for policing the remedial work.

#### **What is an rEA, and how do I contact them?**

The relevant Enforcement Authority (rEA) is the Government agency responsible for workplace safety.

Generally, the rEA is the 'HSE' for factories and manufacturing sites, while for retail, warehouse and distribution sites it is the Local Authority. However, LOLER Adverse Inspection Reports (AIR) for equipment which has been hired or leased should be sent to HSE.

Details of contact points are included in Annex A

#### **Do I need to keep a record of reports sent to the rEA, and will I receive an acknowledgement?**

Unfortunately, rEA's do not always acknowledge receipt of AIRs. It is therefore good practice to keep a record of reports submitted to demonstrate that you have met your legal reporting obligation.

#### **A dangerous defect has been identified during the TE; however, it was immediately rectified. Do I still have to report it?**

Yes, defects in the lifting equipment involving an existing or imminent risk of serious personal injury must be reported to the rEA even if they have already been rectified.

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#### **A serious defect was identified, which has since been rectified, is another TE required before the equipment is put back into service?**

Not necessarily, although this depends on the extent of remedial work required. The Competent Person may recommend another TE is carried out before the equipment is put back into service.

#### **What will happen if I do not report a severe defect to the rEA?**

The Competent Person would be committing an offence under LOLER 98, Regulation 10, if they were to fail to report a dangerous defect.

#### **Will reporting a defect to the rEA affect my relationship with my customer?**

No, the Competent Person should be sufficiently independent to reach an unbiased judgment. Defect reporting is a legal obligation and should not influence any future or additional work. The report should be sent to the rEA without fear or favour.



## Annex A

### – relevant Enforcement Authority contacts

#### **Local Authorities**

The Local Authority contact will usually be the environmental health department of the applicable unitary authority or district council. Local councils can be identified by putting the site postcode into [www.gov.uk/find-local-council](http://www.gov.uk/find-local-council).

#### **Health & Safety Executive**

HSE head office  
Health and Safety Executive  
Redgrave Court  
Merton Road  
Bootle  
Merseyside  
L20 7HS

HSE regional offices can be located from  
[www.hse.gov.uk/contact/maps/index.htm](http://www.hse.gov.uk/contact/maps/index.htm)

